

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 77893

Cloverland Farms Dairy
3611 Roland Avenue
Baltimore MD 21211

12601 Eastern Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 21, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 410: illegal Class II Trucking Facility on property known as 12601 Eastern Avenue, 21220.

On June 23, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Ryan Fisher issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 25, 2010 for removal of contractor's equipment storage yard, remove illegal Class II trucking facility, violation of commercial site plan, remove storage containers. This Citation was issued on June 23, 2010.

B. Photographs in the file show three large steel shipping containers stored outside on this commercial property. Notes in the file state that initial inspections also found landscaping equipment being stored on the property, but re-inspection prior to this Hearing found that equipment had been removed. However, re-inspection on July 20, 2010 found the shipping containers still on the property.

C. County zoning regulations prohibit the storage in a BL zone of truck trailers, or of freight-shipping containers designed to be mounted on chassis for transport. BCZR Section 101.1 (TRUCKING FACILITY; TRUCKING FACILITY, CLASS II); Section 230.1 (B.L. Zone Use Regulations). Storing these containers outside violates County zoning regulations. The containers must be removed. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if the violation is corrected by August 16, 2010, with all freight shipping containers removed from outside storage on this commercial property.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 26th day of July 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer